



GREENWOOD COMMON COUNCIL NOVEMBER 21, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which Pastor Dane Sinn of the Smith Valley Church led in prayer.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Councilman Bill Bless was not in attendance.
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Mr. Deer moved to approve the minutes of November 7th as presented. Second by Mr. Gibson. Vote: Ayes.

From the audience, Eric Link of Thrivent Financial was invited to come forward. Mr. Link had a presentation for Flags For Greenwood to give to John and Linda Gibson, who began the organization – a check for \$200. Mr. Link added that they would like to be involved in a fund-raising project for Flags for Greenwood next year.

Larry Falconbury approached the Council with a request for his parent's home at 6 Bentwood Street in Northern Park. There has been street reconstruction in the area. New sidewalks were put in, his parents' driveway was torn up and patched with concrete. Mr. Falconbury had pictures of the driveways. Mayor Henderson indicated that was probably a temporary fix. Director of Operations Norm Gabehart indicated that the contractor is to have all the approaches closed by Thanksgiving as the traffic comes in and out, and repairs to driveways, etc. will be done after Thanksgiving.

A resident of 407 S. Park Drive had a concern about the light at K-Mart, because when the arrow changes cars do not stop for the traffic coming out of K-Mart. He thought there would be a very bad accident. The Mayor replied that he would direct traffic enforcement to the Chief of Police. He added that INDOT governs all the lights on U.S. 31 and asked Chief Pitcher to notify the Seymour district to consider changing the timing on the arrows.

The City Attorney had distributed her litigation report. There were no questions from the Council.

Mr. Bates reported for the Plan Commission. The Christy annexation now has a favorable recommendation. The Commission gave an unfavorable recommendation to the Ameritrust and Wampler rezoning petitions. Two site plans were also approved as well as the meeting dates for 2006.

Mr. Deer next commented on the Ball State workshop this past weekend. He was disappointed, he said, that there was not a greater input from residents and business owners in the community for this planning effort. More general comprehensive plan meetings will be held after the first of the year. Mr. Deer encouraged residents to attend. Mr. Gibson expressed his appreciation for the ideas that were presented by the college students, as well.

Mr. Gibson reported that the Solid Waste Management disposed of over 1,200 tires. He went on to mention that dry cell batteries could be recycled by taking them to the Community Center, the City Building lobby, Dannemillers, or the library. The Board is looking into the purchase of a car for its use.

This led Mr. Deer to ask about recycling for Christmas trees. The Mayor replied that the City has a program usually until mid-January to pick up the trees and grind them.

ORDINANCE No. 05-23 – An Ordinance Fixing Salaries of Elected Officials of the City of Greenwood, Indiana for the Year 2006. In reply to Mr. Hardin, the City Attorney noted that the only change from the

last meeting was an increase for the City Court Judge in the amount of \$15,198 for a total of \$80,444. The other elected officials are making the same salary as the 2003 level, as there has been no increase since that time. Ms. Reed moved to pass Ordinance No. 05-23 as amended through first reading. Second by Mr. Armstrong, who mentioned that he asked about the final vote at the last meeting. He was told that the final vote had been taken. Vote: Ayes. **PASSED FIRST READING AS AMENDED.**

ORDINANCE No. 05-26 – An Ordinance Transferring Funds Within the Budget of the Legal Department (\$1,000). Mr. Bates moved to pass Ordinance No. 05-26 through first reading. Second by Mr. Deer. Ms. Koons-Davis stated that the transfer was needed to pay invoices that have come in. Vote: Ayes. **PASSED FIRST READING.** Mr. Armstrong moved to suspend the rules in order to consider second reading. Second by Mr. Deer. Vote: Ayes – Deer, Gibson, Hardin, Reed, Armstrong; Nay – Bates. Motion fails.

ORDINANCE No. 05-27 – An Ordinance Approving Revised Taxi Cab Rates, Amending Greenwood Common Council Ordinance No. 95-15 “An Ordinance Approving Revised Taxi Cab Rates and Amending the Greenwood Municipal Code Section 4-138”, and Amending the Greenwood Municipal Code, 1993, (As Amended), Chapter 4, Article 2, Division XI, Section 4-138 and Repealing Section 4-139. Mr. Bates moved to pass Ordinance No. 05-27 on first reading. Second by Mr. Hardin. Mr. Deer, referring to his experience dealing with taxi operations at the airport, indicated these rates are not out of line with the regional rates. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 05-28 – An Ordinance Amending Ordinance No. 89-65, As Amended, and Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 8, Section 2-68, to Provide for an Additional One (1) Day Paid Holiday for Independence Day for the Year 2006. Mr. Deer moved to pass Ordinance No. 05-28 through first reading. Second by Mr. Bates. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 05-29 – An Ordinance Providing for an Additional Appropriation From the Cumulative Capital Development Fund for Certain Capital Outlays (\$438,349). Per the City Attorney’s memo, Mr. Deer moved to amend Ordinance No. 05-29 as follows:

In the caption, by correcting the typographical error of amount for the appropriation from “(\$438,349)” to “(\$458,489)”. Second by Mr. Armstrong. Vote: Ayes. **AMENDED.** Mr. Deer then moved to pass Ordinance No. 05-29 through first reading as amended. Second by Mr. Gibson. Mayor Henderson opened the public hearing for comments or questions. As no one spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING AS AMENDED.**

RESOLUTION No. 05-13 – A Resolution Establishing Holidays For Employees of the City of Greenwood For the Year 2006. Mr. Bates moved to pass Resolution No. 05-13 on first reading. Second by Mr. Gibson. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 05-14 – A Resolution Declaring a Certain Area Within the City of Greenwood an Economic Revitalization Area and Qualifying Certain Real Property and Improvements for Property Tax Abatement and Setting the Time and Place for a Public Hearing Thereon (BD Greenwood Development, LLC). Mr. Bates moved to pass Resolution No. 05-14 on first reading. Second by Mr. Deer. George Abel of Duke Realty was present to answer questions. The project is a long-term acute care facility and skilled nursing unit to provide care for individuals that may have been discharged from the hospital because of insurance or other requirements – the relocation and expansion of Kindred. They are requesting suspension of the rules in order to be able to begin construction. Vote: Ayes (Reed – Abstain). **PASSED FIRST READING.** Mr. Deer moved to suspend the rules to consider second reading. Motion died for lack of a second.

RESOLUTION No. 05-15 – A Resolution Authorizing a Temporary Loan for the Fire Fund (\$625,000) From the Cumulative Capital Development (CCD) Fund. Mr. Hardin moved to pass Resolution No. 05-15 through first reading. Second by Ms. Reed. Vote: Ayes. **PASSED FIRST READING.** Mr. Bates moved to suspend the rules in order to consider second reading. Second by Mr. Gibson. Vote: Ayes. **RULES SUSPENDED.** Ms. Reed then moved to pass Resolution No. 05-15 through second reading. Second by Mr. Bates. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 05-30 – An Ordinance Amending the 2005 Salary Ordinance, Common Council Ordinance No. 04-41 and the 2006 Salary Ordinance, Common Council Ordinance No. 05-12, Regarding the Fire Department and Sanitation Department – Administrative to Create a Full-Time Position From Two Part-Time Positions. Ms. Reed moved to pass Ordinance No. 05-30 on first reading. Second by Mr. Deer. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 05-14 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 68 Acres Located on the South Side of Cutsinger Road and East of Honey Creek Road (commonly known as J. Greg Allen and Associates Property). Mr. Hardin moved to pass Ordinance No. 05-14 on second reading. Second by Mr. Bates. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 05-25 – An Ordinance Providing for an Additional Appropriation From the Aviation Operating Fund to the Board of Aviation Commissioners From the Local Share Match of AIP-18 Grant (\$30,000). Mr. Gibson moved to pass Ordinance No. 05-25 through second reading. Second by Ms. Reed. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 05-16 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 4.0 Acres Located on the Southwest Corner of Stella Drive and State Road 135, Referencing Annexation Ordinance No. 05-33. **INTRODUCED.**

RESOLUTION No. 05-17 – A Resolution Declaring Certain Real Property Improvements and Machinery and Equipment for Property Tax Abatement and Setting the Time and Place for a Public Hearing Thereon (Endress + Hauser Flowtec AG). There was a brief presentation describing the expansion and the salary range. **INTRODUCED.**

ORDINANCE No. 05-32 – An Ordinance Transferring Funds Within the Budget of the Police Department (\$40,000). Chief Pitcher explained that funds needed to be transferred because of the increase in gas prices. **INTRODUCED.**

ORDINANCE No. 05-33 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 4 Acres Located on the Southwestern Corner of Stella Drive and State Road 135, Commonly Known as the Waltz Property. Mr. Bates indicated that the present owner of the parcel is interested in a commercial endeavor and at the last Plan Commission meeting several commitments were made. The petition did have a favorable recommendation. Mr. Gibson commented on the right-turn only commitment made because of increased traffic – to be approved by INDOT. **INTRODUCED.**

ORDINANCE No. 05-34 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of 0.35 acre tract of land that fronts on Forest Park Drive – South, commonly known as Ameritrust Mortgage Service, Inc. Property). The petitioner is asking for the property to be rezoned from R-2 to B-1. Parcels to the south and west have a B-1 zoning status. Declining property values and increased traffic were concerns of remonstrators, which will be addressed at the public hearing. **INTRODUCED.**

ORDINANCE No. 05-35 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of 22.0 acres, located on the north side of Fry Road, west of the entrance to Northwest Park, and east of the Bo-Mar Subdivision, commonly known as the Copenhagen, Leeper, & Mudd Property). The petitioner is proposing a residential development, rezoned to R-3, with approximately 60 units on the 22 acres. Five acres would be deeded to the Parks Department so that they could extend the trail ways system to the Bo-Mar Subdivision. Traffic concerns will be addressed at the next meeting. **INTRODUCED.**

ORDINANCE No. 05-36 – An Ordinance Amending Common Council Ordinance No. 05-22, An Ordinance Transferring Funds to the Budget of the Board of Public Works and Safety for PERF, FICA, and Health Insurance Premium Payments to Correct the Impermissible Transfer of Motor Vehicle Highway and Fire Funds to the General Fund. This is a housekeeping issue. Those payments will come separately from the Fire Fund and the MVH Fund. **INTRODUCED.**

Under miscellaneous business Mr. Hardin asked for an update on the Plan Commission attendance, in finding out the appointing agency for those slack in attendance. Ms. Koons-Davis said that those records could be obtained from the Director of Planning, Zoning, Research and Development. Mr. Ferguson will see that the Council gets those attendance records.

Mr. Armstrong discussed a letter he received from an attorney with the Insurance Institute of Indiana describing such unconstitutional practices as charging non-residents fees for making calls to the police or the fire department. Apparently people could be charged for using the "jaws of life". The City Attorney assured Mr. Armstrong that no such ordinance is planned.

Mr. Deer moved to adopt the proposed meeting schedule for 2006 from the Clerk-Treasurer's office. Second by Mr. Bates. Vote: Ayes. Motion carried.

The Clerk-Treasurer indicated she had fund balances for all departments. She also passed out information regarding an IACT meeting on hometown matters along with the invitation. Proofs for the business cards will be available tomorrow. Information Technology will be asked to look into the old and new e-mail addresses running in tandem.

Jerry McKinney of the Economic Development Commission spoke from the audience urging the Council to give a favorable recommendation to the Endress + Hauser Flowtec petition. Ms. Reed asked about the entrance to the facility and Mayor Henderson indicated that things are being proposed. Some issues will go through the County.

Mayor Henderson mentioned that the southern end of Northern Park has the first coat of asphalt and looks good. He hopes that the north end can be finished before the weather gets bad.

Fry Road is close to being finished. Hopefully in a few years Federal monies will be available to complete the reconstruction.

The National League of Cities meets next month. Mayor Henderson will represent a five-state area for cities of 50,000 and less population.

Mr. Armstrong mentioned that a representative from the library called him to report that during the tornado warnings last week people from Southwood Mobile Home Park came to the library, looking for a safe place. Fire Chief Steve Dhondt described a direct call from the Weather Service and contacting the Mayor and Director of Operations, plus preparations that were made by public safety. He told Mr. Armstrong that Fire Station 93 on Stop 18 has always accepted residents of the mobile home communities to seek shelter from tornados, although there is no official designation as a storm shelter area. Staff has asked over the years for those communities to construct their own shelter, and they have not been willing to do that at their cost, said Chief Dhondt. Residents are asked to have pets in carriers or other form of containment. The Reverse 911 system evidently worked well, noted the Mayor.

With no further business, the meeting adjourned at 8:25 p.m.